

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA)
v.)
GREGG BRAXTON,)
Petitioner.)
Criminal No. 3:08cr187-HEH

ORDER

(Accepting Report and Recommendation and Denying 28 U.S.C. § 2255 Motion)

In accordance with the accompanying Memorandum Opinion, it is hereby

ORDERED that:

1. Braxton's Objections (ECF No. 65) are OVERRULED;
2. The Report and Recommendation (ECF No. 64) is ACCEPTED AND ADOPTED;
3. Claims One and Two are DISMISSED;
4. The motion under 28 U.S.C. § 2255 (ECF No. 35) is DENIED;
5. The action is DISMISSED with prejudice; and,
6. A certificate of appealability is DENIED.

Braxton may appeal the decision of the Court. Should he wish to appeal, a written notice of appeal must be filed within sixty (60) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the ability to appeal.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion and Order to Braxton and counsel for the United States.

HENRY E. HUDSON /s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE

Date: Aug. 25, 2013
Richmond, Virginia